

### SECTION III—REMARKS

This amendment is submitted together with a Request for Continued Examination (RCE) pursuant to the Notice of Appeal filed on February 28, 2005, for the above-noted patent application. The Notice of Appeal was filed in response to the final Office Action mailed November 30, 2004, and the Advisory Action mailed March 1, 2005.

Claims 14, 23 and 24 are amended herein, and claims 14-25 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

#### Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 14-15, 19, 23 and 24 as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,919,548 to Barron *et al.* (“Barron”). Applicants respectfully traverse the Examiner’s rejections. A claim is anticipated only if each and every element, as set forth in the claim, is found in a single prior-art reference. MPEP § 2131; *Verdegaal Bros. v. Union Oil of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). As explained below, Barron cannot anticipate these claims because it does not disclose every element and limitation recited therein.

Claim 14, as amended, recites a process combination for forming a micro electromechanical (MEMS) package including providing a semiconductor device including an active surface, providing a conveyance with at least one embedded MEMS device disposed therein, and “suspending the conveyance over the active surface using a plurality of electrical contacts in a contact array, wherein the at least one embedded MEMS device communicates electrically to the semiconductor device via at least one of the contacts in the contact array.” Barron does not disclose, teach or suggest a process including these limitations.

The Examiner has characterized the sacrificial layer 24 of Barron as a conveyance in which MEMS devices 20 are embedded. Even if this characterization were correct, which Applicants do not concede, Barron does disclose that the sacrificial layer is suspended over an active surface; in fact, the sacrificial layer 24 is deposited on a polishing-stop layer 16, not an active surface. Additionally, Barron does not disclose that the sacrificial layer is suspended over an active surface using a plurality of contacts in a contact array. Barron therefore cannot disclose, teach or suggest a process combination including “suspending the conveyance over the

active surface using a plurality of electrical contacts in a contact array, wherein the at least one embedded MEMS device communicates electrically to the semiconductor device via at least one of the contacts in the contact array.” Applicants submit that claim 14 is therefore allowable, and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claims 15 and 19, if an independent claim is allowable, then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above claim 14, as amended, is in condition for allowance. Applicants respectfully submit that claims 15 and 19 are therefore allowable by virtue of their dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Claim 23, as amended, recites a process combination including providing a semiconductor device, accommodating a detached micro electromechanical structure (MEMS) device upon the semiconductor device, “suspending a conveyance over the active surface using a plurality of electrical contacts in a contact array, wherein the conveyance surrounds the detached MEMS device and the detached MEMS device communicates electrically to the semiconductor device via at least one of the contacts in the contact array,” and contacting encapsulation material with at least one of the semiconductor device, the detached MEMS device, and the conveyance to form an integrated MEMS package. By analogy to the discussion above for claim 14, Barron cannot disclose every element and limitation of this claim. Applicants submit that Barron therefore cannot anticipate the claim, and respectfully request withdrawal of the rejection and allowance of the claim.

Regarding claim 24, if an independent claim is allowable, then any claim depending therefrom is also allowable. *See generally* MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claim 23 is in condition for allowance. Applicants respectfully submit that claim 24 is therefore allowable by virtue of its dependence on an allowable independent claim, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of the claim.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 18 and 25 under 35 U.S.C. § 103(a) as obvious in view of, and therefore unpatentable over, Barron. Applicants respectfully traverse the Examiner's rejections. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is also non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). As discussed above, claims 14 and 23 are in condition for allowance. Applicants therefore respectfully submits that claims 18 and 25 are allowable by virtue of their dependence on allowable independent claims, as well as by virtue of the features recited therein. Applicants therefore respectfully request withdrawal of the rejections and allowance of these claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

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Date: 4-21-05

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